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Date: August 19, 2008 Name: Richard G. Lione Re. No. 19,795 Signature: /Richard G. Lione/

Our Case No. 5404-96

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Minoru Kuroda et al. )  
International Serial No. PCT/JP2003/008867 ) Examiner: Cheryl Ann Juska  
U.S. Serial No.: 10/521,667 ) Group Art Unit No.: 1794  
International Filing Date: July 11, 2003 ) Confirmation No. 2297  
U.S. Filing Date: September 16, 2005 )  
Title: PIKE FABRIC )

## **RESPONSE AND REQUEST FOR RECONSIDERATION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action of March 17, 2008, applicants respectfully request reconsideration of the 35 U.S.C. §102(b) and § 103(a) rejections presented therein. Claims 1, 2, 4, 5 and 8 were rejected under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a), over newly cited Maekawa et al. (JP 10-137103). Claims 3 and 7 were rejected under 35 U.S.C. §103(a) over Maekawa et al. Claim 6 was rejected under 35 U.S.C. §103(a) over Maekawa et al. in view of Miyoshi et al. (U.S. Pat. No. 5,976,693).

Claim 1 is the only independent claim in the application. Claim 1 recites the limitation that “a fineness of a fiber constituting a shorter pile part is set larger than a fineness of a fiber constituting a longer pile part, and specifically, a ratio of a fineness of a fiber constituting a longer pile part (DL) with respect to a fineness of a fiber constituting a shorter pile part (DS) satisfies a relationship of  $0.1 < DL/DS < 1.0$ .” Claim 1 also recites the limitation that “a flat shape is adopted as a fiber cross section shape of a fiber constituting a shorter pile part.”

These product claim limitations (referred to in order as “limitation one” and “limitation two”) collectively produce the excellent effect that soft and flexible toughness can be exhibited in pile ends portion with a low fiber density and, furthermore, the use of greater fineness of a fiber in a shorter pile part than in a longer pile part exhibits excellent voluminous touch and excellent recovery property in a middle to root portion of a hair in a lengthwise direction. This results in the touch of an excellent handling property as a whole pile fabric (see paragraph [00017], etc. in the specification, hereinafter referred to as an “effect”).

In contrast to the invention of Claim 1, as indicated by the Examiner, Maekawa et al. discloses (in the working examples) the use of acrylic fibers having a flat cross-sectional shape. However, in the working examples of Maekawa et al., an acrylic fiber having a flat cross-sectional shape is used as a fiber for forming guard hair (longer pile part), and as a fiber for forming down hair (shorter pile part), an acrylic fiber having a normal cross-sectional shape is used (working examples, Table 1). In effect, Maekawa et al. does not disclose or teach the second limitation of claim 1.

Nevertheless, the Examiner finds it reasonable to conclude that the claim limitation of “a ratio of a fineness of a fiber constituting a longer pile part (DL) with respect to a fineness of a fiber constituting a shorter pile part (DS) satisfies a relationship of  $0.1 < DL/DS < 1.0$ ” is inherently met by the teachings of Maekawa et al.” However, applicants submit that conclusion is not correct, as Maekawa et al. clearly shows. Maekawa et al. discloses that the low shrink fibers, which form the long pile, have a denier range of 2 to 40, while the high shrink fibers, which form the short pile, have a denier range of 1.5 to 20. Therefore, it follows that a fineness ratio between the low shrink fibers and the high shrink fibers can

satisfy any relationships. Furthermore, based on the fact that both the upper limit value and the lower limit value in the fineness range of the high shrink fibers are smaller than the upper limit value and the lower limit value in the fineness range of the low shrink fibers, respectively, those skilled in the art would conclude that the fineness of the high shrink fibers is smaller than the fineness of the low shrink fibers. Specifically, the working examples of Maekawa et al. clearly explain that the fineness of the high shrink fibers is smaller than the fineness of the low shrink fibers. As such, Maekawa et al. also does not disclose or teach the first claim limitation of claim 1.

Consequently, Maekawa et al. also does not produce or teach the excellent effects that the Claim 1 product invention produces as a result of incorporating the aforescribed first and second product limitations of Claim 1. As such, on the basis of Maekawa et al. alone Claim 1 and each of dependent Claims 2-8 are neither anticipated nor rendered obvious by Maekawa et al.

Respectfully submitted,

/Richard G. Lione/  
Richard G. Lione  
Registration No. 19,795  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200